

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**GENESIS GLOBAL CAPITAL, LLC and
GEMINI TRUST COMPANY, LLC,**

Defendants.

Case No. 23-cv-287 (ER)

**PLAINTIFF SECURITIES AND EXCHANGE COMMISSION’S UNOPPOSED MOTION
FOR ENTRY OF FINAL JUDGEMENT AGAINST DEFENDANT GENESIS GLOBAL
CAPITAL, LLC**

The Securities and Exchange Commission (“SEC”), with the Consent of Defendant Genesis Global Capital, LLC (“Genesis”), hereby moves the Court to enter a Final Judgment against Genesis.

The SEC filed this action on January 12, 2023 and a copy of the Complaint [ECF #1] has been served on Genesis. On January 19, 2023, Genesis and certain affiliated debtors filed for bankruptcy under Chapter 11 of the US Bankruptcy Code. *See In re: Genesis Global Holdco, LLC, et al.*, No. 23-10063 (SHL) (Bankr. S.D.N.Y.) (“Genesis Bankruptcy Case”). In January 2024, the SEC reached a settlement with Genesis. On January 31, 2024, Genesis and certain affiliated debtors filed a Motion for Entry of an Order Approving Settlement Agreement Between Genesis and the SEC in the Genesis Bankruptcy Case [Genesis Bankruptcy Case ECF # 1220]. On February 26, 2024, the Bankruptcy Court held a hearing, found the proposed settlement agreement to be reasonable under the factors set forth in the Second Circuit’s decision *In re Iridium Operating LLC*, 478 F.3d 452, 462 (2d Cir. 2007), and on March 14, 2024, entered

an order approving the settlement between Genesis and the SEC [Genesis Bankruptcy Case ECF # 1467]. The SEC, with the Consent of Genesis, is requesting that the Court enter a Final Judgment as to Genesis reflecting the settlement.

The proposed Final Judgment as to Genesis is attached as Exhibit 1. In brief, it includes the following relief:¹

- (a) permanently restrains and enjoins Genesis from violation of Section 5 of the Securities Act of 1933 (“Securities Act”) [15 U.S.C. §§ 77e]; and
- (b) orders Genesis to pay a civil penalty in the amount of \$21 million under Section 20(d) of the Securities Act [15 U.S.C. § 77t(d)]. Such civil penalty shall be payable as provided for in the confirmed chapter 11 plan in the Genesis Bankruptcy Case.

The parties jointly request that the Court enter the Proposed Final Judgment as to Genesis. Genesis has consented to this Proposed Final Judgment, as demonstrated by the Consent that is attached as Exhibit 2. Additionally, the Proposed Final Judgment is fair and in the public interest.

Dated: March 15, 2024

Respectfully submitted,

s/ Edward Reilly
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¹ The full terms of the Proposed Final Judgment are set forth in Exhibit 1 and nothing in this motion alters any terms of that Final Judgment.

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that, on March 15, 2024, he caused the Plaintiff Securities and Exchange Commission's Motion for Entry of Final Judgment Against Defendant Genesis Global Capital, LLC to be served on all counsel of record via email.

By: s/ Edward J. Reilly
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